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"From Press to Home Within the Hour"

1915. Daily Average, 74,401; Sunday, 56,032.

No. 20,188.

SCHOOL RULE 45 UPSET BY COURT

Because of Marriage Held Unreasonable.

AUTHORIZES MANDAMUS TO COMPEL RESTORATION

Justice Gould Sustains Contention of Mrs. Hellmann Against District Board of Education.

Rule 45 of the board of education. which operates automatically to vacate the position in the public schools of a female teacher who marries, was held unreasonable today in an opinion by Justice Gould of the District Supreme The court directed the issuance of a mandamus against the board to compel the reinstatement of Mrs. Aline Strong Hellmann to a teachership in the schools. To refer to the rule as unreasonable is "to gencharacterize it." the justice says. The court finds that the letter which Mrs. Hellmann wrote to the board after her marriage, and which was construed by the school authorities to be resignation, cannot be made to bear that construction. "On the contrary, says Justice Gould, "it is an argument and an exceedingly able and convincing argument, demonstrating the unreasonableness of the rule."

Discusses Board's Powers.

The board of education, Justice Gould holds, cannot prescribe by its by-laws a mode of dismissal incon-

Two resolutions were introduced in the by-laws a mode of dismissal inconsistent with a mode indicated by a statute any more than it could, since the passage of the law specifically prescribing what pay shall be given the substitute teachers, pass a by-law prescribing a different method of dealing with that subject. Whatever would be its power in the absence of the express provisions in the statute, when the statute speaks on a subject the board's power to pass by-laws on the same subject is necessarily curtailed.

Miss Strong was graduated at the Normal School in June, 1916, and during the following year was appointed a teacher, which position she held until June, 1914. July 15, 1914, she was married, and, knowing of rule 45, she wrote the board requesting that its provisions be not enforced in her case and presenting arguments against the validity of the rule. The letter was referred to the committee on elementary schools and to the superintendent. The superintendent seems never to have reported upon it, but the committee reported that it regretted it was unable to comply with the wish of Mrs. Hellmann in view of rules which reported that her communication should be denied, and that rule 45 should not be amended, which reportwas approved by the board.

Qualifications Not Questioned.

In his opinion Justice Gould points

In his opinion Justice Gould points no question is made by the of the Court of Appeals in the Dean case, this power, Justice Gould holds, is limited to such rules and regulations as are reasonable.

The court says: The court says:
Testing the reasonableness of the

married woman as teachers

many years, employed as teachers in to the public school system of the Dis-trict of Columbia; that there is nothing in the rules or regulations adopted by the board of education which precludes tained in the future, will depress the industries of the United States, and taking the examination, at any time, to especially agriculture." The resolution determine his or her fitness to teach provides: determine his or her fitness to teach in the public schools, and they have been upon the same footing. In that respect, as unmarried men and women. This statement in the answer precludes the necessity of any discussion of the relative efficiency of married and unmarried women. The board has determined that married women are as eligible to teach as the unmarried. In respect, as unmarried men and women.'
This statement in the answer precludes the necessity of any discussion
of the relative efficiency of married
and unmarried women. The board has
determined that married women are as
eligible to teach as the unmarried. In
other words, marriage, or the state of
being married, on the part of a woman, has been determined by the board married before she was appointed a teacher, under the admitted policy of the board, her marriage would not the board, her marriage would have disqualified her to teach. under rule 45, having married after having been appointed a teacher, she

having been appointed a teacher, she becomes thereby disqualified.

The answer of the board also contains this statement: That respondents know of no regulation which would prevent the relator from taking such examination, and, if found qualified, from being reappointed upon the staff of teachers. Taking this in connection with the other admission in the answer, that the relator possessed and still possesses all of the pedagogic qualifications, the board apparently says to the relator: You were qualified, you married and thus forfeited your position under rule 45, you are still qualified and may be reinstated upon taking an examination.

By return Thate Body.

Investigation of the rise in the price of gasoline will be left to the federal trade commission and not undertaken at the present time by the Department of Justice has no such facilities as the trade commission, nor has it power to examine witnesses under oath unless it has brought suit. The trade commission has such power, and since it already has an investigation under way, attorneys for the Department of Justice does not unless the price of gasoline will be left to the federal trade commission and not undertaken at the present time by the Department of Justice.

Officials pointed out today that the Department of Justice has no such facilities as the trade commission, nor has it power to examine witnesses under oath unless it has brought suit.

as follows: July 14 the relator, then Miss Strong, was a teacher possessing all of the academic and pedagogic qualifications to teach: July 15, 1914, she married; under rule 45 her place as teacher thereby became vacant; July 16 she could be reappointed upon taking an examination, which must necessarily have been a mere formality, as the answer of the board admits 'her academic and pedagogic qualifications' both before and after her marriage.

Congratulates Maj. Moton.

President Wilson Pleased by His Selection to Head Tuskegee.

Special Dispatch to The control of the partment of Justice.

"In other words, if this rule is valid, the mere act of going through a marriage mere act of going through a marriage ceremony deprives a female teacher of her position, although equally qualified before and after the act, and although married women are, by the policy of the board, subject to no disqualification by reason of their coverture. A rule which, when applied, leads to such a result is gently characterized when called unreasonable."

SENATE MAY PROBE B. & O. TURNS DOWN RISE OF GASOLINE OFFER OF \$1,143,443

for All Information at Hand.

BASIS OF INVESTIGATION. MR. McCUMBER SUGGESTS

Two Resolutions Presented in the House Ask Attorney General if Any Have Been Prosecuted.

Congress today took official Senator McCumber of North been declined. Dakota, calling upon the Interior Department for all the informa- the aggregate prices paid by the tion in its possession regarding railway company for the various

formation obtained might be made the basis of an investigation.

Two resolutions were introduced in the House on the subject, one which went to the judiciary committee calling on the Attorney General to report to the House whether there have been any prosecutions a mong gasoline producers for violation of the anti-trust laws, and the other to the interstate and foreign commerce commission is authorized to acquire the properties involved in the proposed extension.

Property May Be Worth More.

That the price offered is the maximum allowed by the resolution ap-

Asks Economic Reason

The bill by Representative Steene hoard of educt ion that Mrs. Hellmann still possesses all the academic and pedagogic qv difications to teach. It is also admitted, he states, that the board of education in general has the power to make reasonable rules relating to the schools. From the opinion of the Court of Appeals in the Dean six months greatly increased in the "There appears to be no sufficient natural or economic cause for such in-

crease:
"It is alleged that the increase is due The court says:

"Testing the reasonableness of the rule in question by its consistency with the general policy of the board with regard to the employment of married women as teachers, it is apparent from the answer of respondent that its policy has been, and is, to employ and retain married women as well as unarried women as teachers.

"It is alleged that the increase is due to combinations and conspiracies between persons and corporations engaged in the wholesale and retail trade in these commodities among the several real states and between the United States and foreign nations, in violation of the act to protect trade and retail trade in the second of the commission will submit its findings to the President, who is required by the commission will submit its findings to the President, who is required by the commission will submit its findings.

The commission will submit its findings to the President, who is required by the point resolution to approve them. As the states and between the United States and foreign nations, in violation of the act to protect trade and retail trade in the point resolution to approve them. As the states and between the United States and foreign nations, in violation of the act to protect trade and retail trade in the point resolution to approve them. As the states and between the United States and foreign nations, in violation of the care the president who is required by the commission will submit its findings to the president, who is required by the commission will submit its findings to the president, who is required by the commission will submit its findings to the president will be point resolution to approve them. As the states and between the United States and foreign nations, in violation of the care the president was a submit its findings to the commission will submit its findings to the commission will submit its findings to the commission will submit its findings to the tween persons and corporations are to the president will be president.

Quotation From Answer.

"In its answer the board says:

"Married and unmarried men and the products, and especially gasoline, has been increased to the consumer in the United States to such an extent as to be unreasonable and extent as to be unreasonable and ex-

Will Depress Industries.

"This extortionate price, if main-

States, and Second. If no such prosecutions have

ot instituting the same and enforcing said anti-trust laws against such al restraint of trade and commer-

By Federal Trade Body.

Investigation of the rise in the price of gasoline will be left to the federal

uskegee Normal and Industrial Instilute, founded by the late Booker congratulation from President Wilson feeling of the vast majority of those interested in education in this country. and particularly in the education of the

Dismissal of Woman Teacher Calls on Interior Department Plaza Commission's Price Is

Thought Too Low by Rail-

way Officials.

HOLD OUT FOR VALUATION THE PRESIDENT REJECTED

Amount Fixed by Former Condemnation Body \$585,556.46 Greater Than Second Award.

The commission of awards for ognizance of the recent jumps the proposed extension of Union n the price of gasoline in the face Station plaza has offered \$1,143,of increased production, larger 443.54 to the Baltimore and Ohio reserve supplies and fewer ex- Railroad Company for its properports than ever before, when the ty holdings in the area involved Senate adopted the resolution of in the extension. The offer has

The amount offered represents parcels of realty, plus 6 per cent In a brief address, Senator interest thereon. This is the McCumber suggested that the in- maximum that the commission was allowed to offer under the conditions of the joint resolution of Congress under which the

num allowed by the resolution appears to indicate that the commission has found the fair valuation of the property at least as large as the maxi-mum fixed, or larger. No information as to the estimated fair valuation is mum fixed, or larger. No information as to the estimated fair valuation is obtainable from any source. It is, however, known that the commission made such a valuation with the object of determining whether the offer should be less or should be more than the maximum.

maximum.

The attitude of the railway

maximum.

The attitude of the railway company seems to be to "stand pat" on the valuation fixed by the former condemnation commission, whose findings were rejected by the President, with the result of the appointment of the present commission. The valuation by the former commission was \$1,729,000, so that the railway company would stand to lose \$585,556.46 by acceptance of the present offer.

The fair values on other holdings fixed by the commission of awards approximated a reduction of about 4 per cent from the awards of the former condemnation commission. Had the same ratio of reduction been applied to the properties of the Baltimore and Ohio Railroad Company, the reduced price would have amounted to \$1,649,840,\$79,160 less than the old valuation, as compared with more than a half million dollars. There was reason to believe, it is said by persons familiar with the situation, that the railroad might have entertained an offer of a with the situation, that the rathroad might have entertained an offer of a valuation at the same ratio of reduction as made to other property owners, accepting the loss of less than a hundred thousand dollars rather than continue an issue that is costly.

may announce it as an award of the taking over of its property at the value fixed. The courts will be invoked to property on further condemnation proposed in the condemnation award of the former condemnation commission. It is likely to be contended, it is stated, that the terms of the resolution of the property is fixed the property is fixed the property is fixed the property is fixed award does not be contended as mandates. The biggest battleships. Admiral stanford said, found no difficulty in entering the Puget sound yard.

Difficulties at Yards.

Vessels at times, he explained, were held up two hours outside the San laso a nice point of law, which is likely to be availed of, it is susgested, as to the way naval expenditures in years past had been made, the lame for a popular impression that around the former condemnation commission. The biggest battleships. Admiral harrington.

**Official representative Hensley placed to the lame for a popular impression that along the property rights of the owners out interviews to obtain along the property rights of the owners of the property rights of the owners of the property rights of the owners of the property is that the governor elect, Emerson C. In the large of the property of its suggested, as to the way hours outside the San large of the property of the

Mrs. Spencer Rejects Award.

Only one other property holder in a the area involved in the proposed extension has refused acceptance of the award made by the commission of trade commission and not undertaken awards. Mrs. Mary Spencer has declined to accept about \$100,000 offered her for her holdings on Massachusetts Officials pointed out today that the Department of Justice has no such facilities as the trade commission, nor has it power to examine witnesses under oath unless it has brought suit. The trade commission has such power to examine witnesses under oath unless it has brought suit. The trade commission has such power and acquired by the government. Otherwise the commission's work is done, save its final report to the President.

Having practically disposed of all its affairs, the commission is expected to ad-

ffairs, the commission is expected to ad-ourn probably within a week or ten days, unject to the call of the President or the official completion of its work for the official completion of its work. The commission is understood to be now preparing its report to the President, reciting all its official acts.

This report will probably show the properties acquired and those which the commission has been unable to acquire in the plaza area. It is expected that the report will also show the expenditures of the commission for salaries of the commissioners, employment of clerks and general expenses.

EXPORTS BREAK RECORDS.

Outgo Through Philadelphia, 1915 Doubles Those of Previous Year

PHILADELPHIA, Pa., January 5.-Exports through the port of Philadelphia in 1915 were more than double The 4th Newspaper . . . 4,792 Franco-Belgian front is reported in the war office statement of today. those the year previous, and broke all when applied, leads to such a result is gently characterized when called unreasonable."

The contention of relator that rule 45 is invalid because it conflicts with the organic law wherein the mode of removal of a teacher in the public schools is specified is also well founded, the opinion declares.

Attorneys Clarence R. Wilson and Paul R. Lesh of Wilson, Huidekoper & Lesh argued the case for Mrs. Helimann. Assistant Corporation Counsel Stephens appeared for the board.

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Atterneys Clarence R. Wilson and Paul R. Lesh of Wilson, Huidekoper & Lesh argued the case for Mrs. Helimann. Assistant Corporation Counsel Stephens appeared for the board. report published by the commissioners of navigation. \$135,000,000 worth of goods were shipped through the port last year. This is \$69,000,000 more than was exported in 1914. Only once before have exports reached the hundred-million mark, and that was in 1907, when the figures were \$106,570,527.

One of the biggest gains last year was the grain shipments, which aggregated 44,205,600 bushels, an increase of 21,174,398 jushels over 1914.



BRYAN'S ARTIFICIAL CULEBRA-CUT SLIDE.

ONE NAVAL STATION ALONE DEPENDABLE

Assertion Made by Rear Admiral Stanford Before the House Committee.

able deep-water naval station in the miral Stanford, head of the bureau of

President to Get Findings.

The commission will submit its findings to the President, who is required by the joint resolution to approve them. As the

Members Demand Details.

INDIANAPOLIS, Ind., January 5 .diana will be liquidated within a few days, according to plans of the state board of finance.

Selling Merchandise

The reason that Washington merchants concentrate their advertising in The Star is because they get more profitable results from The Star alone than from all other papers combined.

Yesterday's Advertising

Local Display

The Evening Star 19,537 The 2nd Newspaper ... 7,164 Total18,084

Thoroughly covering the field and at the minimum cost per thousand of circulation insures maximum results.

THE DAY IN CONGRESS.

Met at noon. Lands committee worked on the water power leasing bill.

Representative Humphrey, republican, of Washington, in an attack on the tariff, attributed prosperity solely to the war. Administration bill for devel opment of water power on the public domain was debated. Naval committee began hear-ings on the naval bill. Post office committee resumed hearings on the postal bill.

Democratic Split May Delay In-

four republicans and two fusionists The entire bonded indebtedness of In- As long as the contending factions pre-As long as the contending factions prevent the organization of the house by failure to agree on a candidate for speaker the canvass of the returns for governor made mandatory by the constitution will be held up and Gov. Goldsborough, a republican, will continue in office.

Gov.-elect Harrington, who received the support of United States Senator John Walter Smith in the primary

John Walter Smith in the primary election when he was opposed by Senator Lee for the gubernatorial nomina-tion, announced that he and his fol-lowers were determined to stand be-hind Mr. Laird for speaker.

GEELONG SUNK AFTER

steamer Geelong was sunk in a colli-sion with the steamer Bonvilston. Sinking of the Geelong was reported

The 3rd Newspaper . . . 6,128 Sayville, N. Y.-Fighting with artillery

MAY PROCLAIM HIMSELF VIENNA, via London, January 5 -

GALLINGER BILL AIMS AT 'FAKE' DIPLOMAS

Regulates Chartering of Colleges and Universities in the District.

bill introduced at the Sixty-third Congress as bill 3431, with the exception that an addition providing for the exchange of professors and students by universities in this and foreign countries has been made. The bill is one introduced by Senator Gallinger at the instigation of the committee on uni-versities of the Washington Board of Trade. It is to the following effect:

Requires Financial Showing.

It requires persons desiring hereafter to incorporate as a college or university under the subchapter relating to "institutions of learning" to make to the Commissioners of the District a showing of financial resources of the proposed corporation—\$20,000 in the case of a coliege and \$100,000 in the case of a university—as a condition precedent to the filing of the certificate of incorporation of the recorder's office; a certificate signed by all the Commissioners, stating that this condition has been complied with, being required to be attached to and filed with the certificate of incorporation.

It specially provides that nothing in the dassed which might be classified as armed by the fact that she mounted one gun is a point which United States Navy experts will be called upon to help determine. They will be asked for advice on how the liner's one gun might have been used. Meager dispatches have failed to indicate whether the gun was mounted for defense or offense.

Official dispatches received today established that only one American is among the missing passengers—Robert dispatches reading. Constant Lurquin, dispatches received to the fact that of a vessel which might technically be classified as armed by the fact that she mounted one gun is a point which United States Navy experts will be called upon to help determine. They will be asked for advice on how the liner's one gun might have been used. Meager dispatches have failed to indicate whether the gun was mounted for defense or offense.

Official dispatches received today established that only one American is among the missing passengers—Robert dispatches received to the fact of the fac the Commissioners of the District

PITTSBURGH, Pa., January 5 .- With

CZAR OF MACEDONIA the Pennsylvania National Guard-is to be established here, it also became known that the state plans to form an VIENNA, via London. January 5.—
Political circles in Sofia report that
King Ferdinand of Bulgaria intends,
after the orthodox Christmas holidays,
to proclaim himself 2 ar of Macedonia,
and be crowned in the old royal city of
Cobrida.

American emissasy are an aeroplane squad of Pfttsburgh militiareport saying that the Rev. Homer R.
Salimbury, an American, was a passenmen, and that a squadron of eight
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CONSUL M'NEELY'S TALK OF METHODS DEATH UP IN SENATE

Mr. O'Gorman Says He Disregarded Advice to Sail for Aden on a Neutral Line.

CRISIS OVER SUBMARINES SUBJECT OF CONFERENCE

President and Secretary Lansing Await Fuller Reports From U. S. Representatives.

That American Consul R. N. McNeely, believed to have lost his life in the sinking of the British steamer Persia, disregarded urgent advice of American Consul General Skinner at Rules Suggested to Govern Co-Edu-London to proceed to his post at Aden on a Dutch vessel, was stated to the Senate today by Senator O'Gorman of New York.

The statement was made in a brief flurry of discussion over the republics of the Americas into international situation injected closer association, in addition to when Senator Jones of Washing- those which have already been ton read an editorial from a advanced, were suggested at this morning newspaper urging Amer- morning's meetings of the Panican citizens to keep off belliger- American Scientific Congress. ent ships and thus aid in reduc- The sectional gatherings contining the embarrassments of the ued in the early part of the day

Urges President to Be Careful.

Jones beseeched President Wilson "to where a special drill in honor of be careful, proceed slowly and keep in where a special drill in honor of view the interests of 99,999,000 of the delegates and their families American citizens, rather than the 1,000 was held at 2:30 o'clock, to be

Suggests Officials Go by U. S. Ships.

Senator Gallinger today introduced in the Senate a bill designed to prohibit the operation of "fake" universities and "diploma factories" in the District of Columbia. The bill provides for amending the "institutions of learning" sub-habe to the general incorporation law.

have been sent on an American saip to his post.

"There was a neutral ship which was too, the sail and carry him safely to Aden. He was advised by one of our consular representatives long in the service. Mr. Skinner, who accompanied in from New York to Engiand, that he had better continue his journey to Aden on a Dutch vessel that was ready to sail. For some reason, apparently saisfactory to himself, Consul McNeeding Attendance. to sail. For some reason, apparently satisfactory to himself, Consul McNee-ly disregarded that advice and satied on the belligerent ship."

AWAITING FULL ADVICES.

garding the Persia.

with Secretary Lansing for an hour today over the submarine crisis. No additional facts, because that persons desiring and requires that persons desiring or university or other institution of learning. It defines 'institution of learning and requires that persons desiring and requires that persons desiring or university or other institution of learning shall incorporate exclusively under the subchapter relating to 'institutions of learning.'

It requires that persons desiring hereafter to incorporate as an educational corporation for pecuniary profit shall incorporate as an educational corporate exclusively under the subchapter relating to joint stock corporation. It indirectly requires that persons desiring hereafter to incorporate as an educational purposes as incidental to benevolent, missionary, social or religious corporations.

It indirectly requires that persons desiring hereafter to incorporate as an educational purposes as incidental to benevolent, missionary, social or religious corporations.

Requires Financial Showing.

Naval Experts to Advise. Whether the status of the Persia was changed from an unarmed liner to or, including their families, 299 per-

was changed from an unarmed liner to

that of a vessel which might technical-GEELONG SUNK AFTER
COLLISION WITH SHIP
LONDON, January 5.—The Peninsular and Oriental Steamship Company has issued a statement stating that the steamer Geelong was sunk in a collision with the steamer Geelong was sunk in a collision with the steamer Geelong was sunk in a collision with the steamer Geelong was reported Monday night without mention being made of the Geelong was reported Monday night without mention being made of the cause of her loss. No lives were lost when she went down.

ARTILLERY AND MINING
OPERATIONS IN WEST
BERLIN, January 5, by wireless to Sayville, N. Y.—Fighting with artillery and mines at several points on the France-Belgian front is reported in the war office statement of today.

Militia Radio Company.

Militia Radio Company.

PITTSBURGH, Pa., January 5.—With ANOTHER AMERICAN VICTIM.

the announcement yesterday that a military radio company—the first in ed. Was Passenger on Persia.

LONDON, January 5, 4:23 p.m .- Th American embassy here has received a

FOR CLOSER UNION OF THE REPUBLICS

ONE CENT.

Theme Today at Sectional Meetings of Pan-American Scientific Congress.

EDUCATIONAL SUBJECTS AND INTERNATIONAL LAW

Dr. L. A. Otero Says Foreigners Should Respect Statutes of Countries in Which They Reside.

PLEA MADE FOR CO-OPERATION

cation-Constant Lurquin Urges Promotion of Meterological Work by South America.

Many methods of bringing the in various Washington auditoriums, adjourning this after-Commenting on the editorial, Senator moon for a trip to Fort Myer, reckless, inconsiderate, unpatriotic citizens who insist on traveling on belligerent ships, and that he not lead us into a position that means trouble or humiliation."

"Does the senator mean to infer that American Consul McNeely, who was on the Persia, was unpatriotic." asked Senator Nelson of Minnesota.

"I think that it would have been much better if Consul McNeely had hunted out an entirely neutral ship for his voyage rather than embarking on a belligerent," Senator Jones responded.

Was held at 2:30 o'clock, to be iollowed by a reception tendered by the Secretary of War and Mrs. Garrison at their home from 5 to 7 o'clock.

Advocacy of Pan-Americanism.

Almost all of the speakers today advocated some form of pan-Americanism. There was large interest in the section of the congress devoted to in-

section of the congress devoted to international law, at the Shoreham Hotel, as well as in the section devoted Senator Owen suggested that Ameri- to education, at the Willard Hotel. senator Owen suggested that American officials in these times should be sent to their posts on American ships under protection of the American flag.

"No one can deny the misfortune that came to American Consul McNeely," replied Senator O'Gorman, "if it proves true that he lost his life on the Persia, but it was not necessary for him to have been sent on an American saip to his post."

To education, at the Willard Hotel, the will and the

Figures Regarding Attendance. Interesting and important figures as tries at the congress were made public No Indication of Early Action Re- at its official headquarters in the New Willard Hotel today. These figures are larger than at first announced. President Wilson conferred United States government has appro-with Secretary Lansing for an of the congress and its conduct.

that no action would be taken the same basis as the unofficial delegates. With them are fifty members of their families, making a total of vices.

the indispensable instruments for direct reading, and also of double registry apparatus of each one of the meteoro-logical elements."

J. A. Brashear to Address the Society of Engineers

John A. Brashear is to deliver an address this evening at Memorial Continental Hall, under the auspices of the Washington Society of Engineers, en-